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Attorney *Pro Hac Vice* for Defendant Matthew Fong

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

\*E-FILED - 9/18/06\*

UNITED STATES OF AMERICA, ) Case No. CR-06-00054-RMW  
Plaintiff, )  
v. )  
MATTHEW FONG, )  
a/k/a cyber, )  
a/k/a cyber3r, )  
a/k/a 1329, )  
Defendant. )  
\_\_\_\_\_  
)

**STIPULATION REQUESTING  
CONTINUANCE OF SENTENCING  
HEARING AND ORDER**

It is hereby stipulated and agreed between defendant MATTHEW FONG, through his undersigned counsel of record, and the United States, through Assistant United States Attorney Mark L. Krotoski, as follows:

1. This matter is currently set for a sentencing hearing on September 25, 2006 at 9:00 a.m.

2. Unfortunately, due to Mr. Fong's court authorized summer study period abroad, his interview with the United States Probation was unable to be conducted until August 10, 2006.

1 Therefore, additional time is needed in order for the Presentence Report to be completed and  
2 disclosed as required.

3       3. Based upon the foregoing, the parties agree that the Defendant's sentencing should  
4 be reset to October 23, 2006.  
5

6       4. United States Probation Officer Lynn Richards has been advised and does not  
7 oppose this request.

8       For the foregoing reasons, and that the ends of justice are served by continuing this  
9 case, the parties stipulate and request to a continuance of the sentencing hearing from  
10 September 25, 2006 to October 23, 2006, or the next available date.  
11

12       IT IS SO STIPULATED.

13 Dated: August \_\_\_, 2006

KEVIN V. RYAN  
United States Attorney

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MARK L. KROTOSKI  
Assistant United States Attorney

18 Dated: August 30, 2006

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/s/  
PETER S. HELLER  
Attorney for Defendant FONG

22       IT IS SO ORDERED.

23       Upon good cause shown, the sentencing hearing is continued from September 25, 2006  
24 at 9:00 a.m. to October 23, 2006 at 9:00 a.m..

25 Dated: September 18, 2006

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/s/ Ronald M. Whyte  
RONALD M. WHYTE  
United States District Court Judge